

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5322 issued to Protel Advantage, Inc. d/b/a Long Distance Savings for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991586-TI

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5629 issued to Axsys, Inc./TEL PINS for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991773-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 5666 issued to GNet Telecom, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991828-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 5663 issued to @xess Communications, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991831-TI
ORDER NO. PSC-00-0853-AS-TI
ISSUED: April 28, 2000

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

ORDER APPROVING SETTLEMENTS

The entities listed below currently hold a Certificate of Public Convenience and Necessity authorizing the provision of Interexchange Telecommunications service. The Division of Administration advised our staff by memorandum that these entities had paid neither the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, nor statutory penalties and interest charges for late RAFs payments for the year(s) listed below.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Protel Advantage, Inc. d/b/a Long Distance Savings	5322	1998	1998
Axsys, Inc./TEL PTNS	5629	1998	1998
GNet Telecom, Inc.	5666	1998	1998
@xess Communications, Inc.	5663	1998	1998

All entities that apply for certification receive a copy of our rules governing Interexchange Telecommunications service. All applicants must attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. The RAFs form was

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mailed to each of these entities for the period of January 1 through December 31. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. However, pursuant to Section 350.113(4), Florida Statutes, the Commission shall provide at least a 45 days notice of the date the payment is due prior to the due date. Each of the entities listed was scheduled to remit its RAFs by February 1, 1999.

After these dockets was opened, each of the entities contacted our staff, paid the past due amounts in full, including the 1999 RAFs, and proposed a settlement offer. Each of the entities proposed to pay future RAFs in a timely manner, and contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offers. Each of the entities must comply with these requirements within ten business days from the date this Order becomes final. The contribution should be identified with the docket number and the entity's name. The contributions will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If an entity fails to comply with this Order, its certificate will be canceled administratively. Upon remittance of each of the \$100 contributions, each docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities' settlement proposal's summarized in the body of this Order is hereby approved. It is further


ORDERED that these dockets shall remain open pending receipt of each of the \$100 contributions. The contributions will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if an entity fails to comply with this Order, its Interexchange Telecommunications Certificate will be canceled administratively. It is further

ORDERED that upon receipt of each of the \$100 contribution or cancellation of the certificate, each docket shall be closed.

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By ORDER of the Florida Public Service Commission this 28th
day of April, 2000.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.